

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

DEREKK REUSSI FRAGOSO

Case: 4:21-mj-30042

Assigned To : Unassigned

Assign. Date : 1/21/2021

Description: USA V. SEALED MATTER (NA)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 9, 2020 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. § 922(g)(1)

Offense Description
Felon in possession of a firearm

This criminal complaint is based on these facts:

On December 9, 2020, in Genesee County, in the Eastern District of Michigan, Derekk Fragoso, knowing that he had been convicted of a felony offense punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting commerce, a firearm in violation of 18 U.S.C. § 922(g)(1).

☒ Continued on the attached sheet.



Complainant's signature

Dustin Hurt, Special Agent, ATF&E

Printed name and title

Sworn to before me and signed in my presence.

Date: January 21, 2021

City and state: Flint, MI



Judge's signature

Curtis Ivy, Jr., U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
United States v. Derekk Reussi Fragoso

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since October of 2018. I am currently assigned to the Detroit Field Division, Flint Field Office. Before working for the ATF, I was employed by the Michigan Department of State Police (MSP) for approximately seven years. Before working for MSP, I was a local police officer for the Grand Ledge Police Department for approximately three years. I held numerous positions with the MSP, including Detective Sergeant in the Polygraph Unit and Task Force Officer with the FBI. During my employment with ATF and MSP, I have conducted or participated in numerous criminal investigations focused on firearms, armed drug trafficking, and criminal street gangs, and other violations of federal law.

2. I make this affidavit from personal knowledge based on my participation in this investigation, my review of reports and other materials prepared by those who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. On December 9, 2020, Mount Morris Police Officers were dispatched to Temperance Street Mount Morris, Michigan for a trouble call. Dispatch advised, the caller (later identified as Chantz Fanello) stated his roommate had just fired several rounds from a handgun inside their residence. Fanello advised dispatch he exited the home but his roommate, Derekk Fragoso, was still inside the residence and in possession of a pistol. Responding officers met Fanello outside of the residence. Fanello advised, he was upstairs in his bedroom while Fragoso was in his bedroom on the main level of the residence when he heard five shots fired from within the home. Fanello went downstairs where he observed Fragoso sitting on the floor against the stove with a black pistol against his chest. Fragoso told Fanello he observed people inside the home near the window although Fanello advised there were no other people within the residence. As officers approached the residence they observed several bullet holes in the window.

4. Responding officers approached the rear of the residence and unlocked the door with keys provided by Fanello. Responding officers opened the door and made announcements they were the police. A male could be heard from upstairs inside the residence calling back to officers. Eventually, Fragoso complied and came downstairs where he was placed into custody. Officers conducted a pat-down search of Fragoso and no contraband was found on his person. Ultimately, Fragoso

was transported via ambulance to Hurley Hospital for a psychiatric evaluation based on statements he made to officers at the scene.

5. Officers spoke with Fanello again and he advised that he owns the residence. Fragoso had been living there for approximately three months. Fanello stated, he knew Fragoso had a handgun and he had observed it in his possession in the past. Fanello further explained, he heard five shots fired while he was upstairs and initially thought Fragoso may have shot himself. Fanello went downstairs and observed Fragoso sitting against the stove in the kitchen clutching the handgun in his hands and holding it against his chest. He stated, Fragoso looked frightened and was pointing toward the curtains in the living room, advising he saw someone behind the curtains in the living room. Fanello described the firearm as a black pistol possibly a 9millimeter.

6. Responding officers and Fanello went into the residence and located four spent shell casings which were in plain view on Fragoso's bed. Fragoso's bedroom was adjacent to the living room. Observed were bullet holes on an interior wall of the Fragoso's bedroom consistent with bullet holes that were located on the north window of the residence.

7. Fanello provided consent to search the residence for the firearm. A search was conducted and no firearm was located. Officer Braughman advised

Fanello to call 911 if he located the firearm inside the residence.

8. On December 10, 2020, Officer Braughman re-contacted Fanello at 11610 Temperance St to follow up on the complaint. Fanello advised Officer Braughman that he located the firearm Fragoso had the night prior. Fanello stated he did not touch the firearm but located it between the mattress and box spring in the upstairs bedroom. Officer Braughman retrieved the firearm from where Fanello advised he located it. The firearm was a black Taurus 9 millimeter semi-automatic pistol model: G2C bearing S/N: TLP48930 with a laser attached (photo below). The firearm had a magazine loaded with seven rounds of ammunition inserted in the magazine well with one additional round chambered in the firearm. Additionally, Fanello provided he located an unspent 9 millimeter round located in the living room floor which was retrieved.



9. The firearm was queried in LEIN/NCIC. The firearm was reported stolen on May 28, 2019 out of the Perry Police Department (Perry PD Report #2019-00224).

10. On January 19, 2021, ATF Special Agent Hurt contacted Fanello at his residence where this incident occurred. Fragoso reiterated everything that he advised Officer Braughman but added that Fragoso had lived with him since September of 2020. While living with him, Fanello advised he observed Fragoso in possession of the Taurus 9 millimeter on multiple occasions. Fanello also advised, Fragoso called him from the Hurley Psych Ward and asked if the police had located his firearm. Fanello stated, they did not. Fragoso advised Fanello to look under the upstairs mattress which is where the Fanello ultimately located the firearm.

11. I reviewed Derekk Fragoso's criminal history. He pled guilty in Genesee County Circuit Court in 1998 of Attempt-Felony Motor Vehicle –Unlawful Driving Away. Fragoso was sentenced to 36 months' probation. He pled guilty in Genesee County Circuit Court in 2006 to Felony Breaking and Entering a Motor Vehicle and Unlawful Driving Away of a Motor Vehicle. Fragoso was sentenced to one year to five years' incarceration with the Michigan Department of Corrections. On February 22, 2012, Fragoso pled guilty to Felon in Possession of a Firearm in the Eastern District of Michigan. Fragoso was sentenced to 100 months incarceration

with the Bureau of Prisons followed by 36 months supervised release. All of the above listed offenses are punishable by a term of imprisonment exceeding one year.

12. I have spoken with ATF Special Agent Jonathan Wickwire, who is recognized by ATF as having expertise in the interstate travel and manufacture of firearms. SA Wickwire advised that the Taurus 9 millimeter semi-automatic pistol model: G2C bearing S/N: TLP48930 was manufactured outside of the state of Michigan and is a firearm as defined in Chapter 44, Title 18, United States Code.

13. Based on the foregoing, I have probable cause to believe that on December 9, 2020, in Genesee County, in the Eastern District of Michigan, Derekk Fragoso, knowing that he had been convicted of a felony offense punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting commerce, a firearm in violation of 18 U.S.C. § 922(g)(1).



DUSTIN HURT, Affiant
Special Agent
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means

on January 21, 2021.



HON. CURTIS IVY, JR.
United States Magistrate Judge